

STEPHEN P. BERZON (#46540)  
sberzon@altshulerberzon.com  
LINDA LYE (#215584)  
llye@altshulerberzon.com  
CLAIRE P. PRESTEL (#235649)  
cprestel@altshulerberzon.com  
Altshuler Berzon LLP  
177 Post Street, Suite 300  
San Francisco, CA 94108  
Telephone: (415) 421-7151  
Facsimile: (415) 362-8064

ELIZABETH GINSBURG  
(Admitted to Practice *Pro Hac Vice*)  
elizabeth.ginsburg@alpa.org  
Air Line Pilots Association, International  
535 Herndon Parkway  
Herndon, VA 20172-1169  
Telephone: (703) 481-2424  
Facsimile: (703) 481-2478

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SKYWEST PILOTS ALPA ORGANIZING )  
COMMITTEE, *et al.*, )  
Plaintiffs, )  
vs. )  
SKYWEST AIRLINES, INC., )  
Defendant. )

CASE No. C-07-2688 CRB

**PLAINTIFFS' MOTION TO  
CHANGE TIME RE: PRELIMINARY  
INJUNCTION HEARING TO JUNE  
7, 2007**

1 In denying Plaintiffs' motion yesterday to change the June 11, 2007 preliminary injunction  
2 hearing to June 12, 2007, the Court indicated that it was available to conduct the hearing on June 7,  
3 2007, and that if the parties agreed to hold the hearing on that date, the Court would sign a  
4 stipulated order to that effect.

5 Yesterday evening, Plaintiffs asked Defendant to stipulate to the June 7, 2007 hearing date,  
6 which is the date *Defendant* proposed for the preliminary injunction hearing in its May 29, 2007  
7 motion to change time. Decl. of Stephen P. Berzon at ¶¶8-9 & Exh. 2. As set forth in the Berzon  
8 Declaration, Mr. Berzon will cancel the earlier, Honolulu portion of his trip on June 6 and 7, 2007,  
9 and serve as Plaintiffs' lead counsel on June 7, 2007. Mr. Berzon cannot be available on June 11,  
10 2007, however, because the latter, Hana portion of his trip has been scheduled for approximately  
11 nine months in connection with the celebration of his 40th wedding anniversary. *See Id.* at ¶5.

12 This morning, Defendant denied Plaintiffs' request on the ground that it wants "to space out"  
13 the hearings, and could not agree to a June 7 preliminary injunction hearing date because that was  
14 too close to the June 5 transfer motion hearing date. *Id.* ¶9 & Exh. 2.

15 Plaintiffs therefore now have no option but to file this motion to change time and request  
16 that the Court set the preliminary injunction hearing on June 7, 2007.

17 Defendant previously indicated at the hearing on May 24, 2007 that it was *critical* to hold  
18 the preliminary injunction time at the *earliest* possible time. Moreover, on May 26, 2007,  
19 Defendant proposed to Plaintiffs' counsel that the motion to transfer be heard on June 4 and the  
20 preliminary injunction on June 6 – a mere two days apart. *Id.* Exh. 1. This is the same two day  
21 spread between hearings that Defendant now claims is too close.

22 Defendant then proposed to the Court in its May 29, 2007 Motion to Change Time that the  
23 transfer motion be heard on June 4 and the preliminary injunction be heard the same week on June  
24 7. Doc. No. 48 (Def's Mot. to Change Time) at 1. Yet Defendant now contends that June 7, the  
25 very date it proposed for the preliminary injunction hearing, places the two hearings too close  
26 together. Its sudden rejection of its own proposed preliminary injunction hearing date can only be  
27 driven by a tactical desire to have the preliminary injunction hearing take place without Plaintiffs'  
28 lead counsel. This Court should not countenance Defendant's tactical maneuvering and prejudice

1 Plaintiffs' presentation of their case.

2 Plaintiffs therefore respectfully request that the Court issue an amended scheduling order re-  
3 calendaring the preliminary injunction for June 7, 2007.

4  
5  
6 Dated: May 31, 2007

Respectfully submitted

7  
8 STEPHEN P. BERZON  
LINDA LYE  
9 CLAIRE P. PRESTEL  
Altshuler Berzon LLP

10 ELIZABETH GINSBURG  
11 Air Line Pilots Association, International

12 by: \s\Stephen P. Berzon  
13 Stephen P. Berzon

14 Attorneys for Plaintiffs  
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